

Date: January 30, 2018

CASCADE COUNTY PLANNING BOARD

ITEM: Conservation Easement – Rumney Cattle Company, Inc.

ACTION REQUESTED: Request for Comments from Cascade County Planning Board

PRESENTED BY: Alex Dachs, Cascade County Planner

General Information:

According to 76-6-206, MCA, "...all conservation easements shall be subject to review prior to recording by the appropriate local planning authority for the county within which the land lies. It shall be the responsibility of the entity acquiring the conservation easement to present the proposed conveyance of the conservation easement to the appropriate local planning authority. The local planning authority shall have 90 days from receipt of the proposed conveyance within which to review and to comment upon the relationship of the proposed conveyance to comprehensive planning for the area. Such comments will not be binding on the proposed grantor or grantee but shall be merely advisory in nature. The proposed conveyance may be recorded after comments have been received from the local planning authority or the local planning authority has indicated in writing it will have no comments or 90 days have elapsed, whichever occurs first."

Special Information:

The Montana Fish, Wildlife & Parks would like to place a conservation easement on behalf of the owners, Rumney Cattle Co., on 3,980 acres located off Birdtail Creek Road in Cascade County. The land owner voluntarily grants and conveys to the Department, and the Department accepts, a conservation easement in perpetuity, with warranties of title, consisting of the following rights and restrictions over and across the land described. The property is located directly South of Birdtail Creek Road, and North of Mission Road in Cascade County and is currently being used for farming and some grazing. The proposed easement will cover nine parcels in Cascade County, totaling 3,980 acres, owned by Rumney Cattle Co. The legal description of the property is Geocode: 2772-02-1-01-01, 2772-03-1-01-01, 2772-09-1-01-01, 2772-10-1-01-01, 2772-11-2-01-01, 2772-14-2-03-01, 2772-15-1-01-01, 2887-34-4-03-01, 2887-35-3-03-01 and Parcel #: 4000000, 4001000, 4007300, 4008400, 4009500, 4012600, 4013600,

4700800, and 4701800. It is in Sections 02, 03, 09, 10, 11, 14, and 15, Township 18 North, Range 03 West, as well as sections 34 and 35, Township 19 North, Range 3 West, Cascade County, MT.

Existing Development:

- Agricultural Shed
- Standard Barn

Allowed future development and uses on Rumney Property:

- Livestock grazing
- Leasing the land for agricultural purposes
- Habitat restoration and enhancement
- Water resources and facilities excluding those that would create an adverse impact on the land and/or water
- Man-made structures for agricultural purposes
- Roads with prior approval from Montana Fish, Wildlife & Parks Department.
- Noncommercial recreational use
- Utilities with prior approval from Montana Fish, Wildlife & Parks Department.
- Renewable energy generation for use on the land, with prior approval from Montana Fish, Wildlife & Parks Department
- Agricultural chemicals for noxious weed control
- Public use as regulated by Montana Fish, Wildlife & Parks Department and the State of Montana
- Oil and Gas Exploration, Extraction, and Development requiring coordination with Montana Fish, Wildlife & Parks to make sure it maintains compliance with the conservation values
- The landowner may sell, grant, donate, bequeath or otherwise convey the Land in its entirety to another party along with the conservation easement
- Localized gravel extraction from an existing site

According to the Deed of Conservation Easement:

- *“The Protected Property includes significant open-space land as defined in the Montana Open Space Land and Voluntary Conservation Easement Act, Montana Code Annotated (MCA) Section 76-6-101, et seq.; and”*
- *“Preservation of the Protected Property by this Easement will yield significant public benefits to the people of the State of Montana, Cascade County, and the United States by protecting, preserving, and providing the following significant resources, in perpetuity, in compliance with Section 170(h)(4)(A) of the Internal Revenue Code and Sections 76-6-101, et seq., MCA.”*

- *“The people of the State of Montana recognize that certain native plant communities and important fish and wildlife habitat are worthy of perpetual conservation, and have authorized the Department (Department of Fish, Wildlife and Parks) to acquire perpetual conservation easements, as described in Sections 76-6-101 et seq., Montana Code Annotated (“MCA”), from willing landowners by voluntary, cooperative means to conserve native plant communities, habitat and other natural resources of value.”*
- *“Retention of significant agricultural values and communities of native plants and wildlife habitat, natural and scenic open-space lands, and public recreational opportunities, all of which are collectively termed “Conservation Values” and are valuable to the people of Montana and worthy of perpetual conservation.”*
- *“The Conservation Values of the land can be protected in perpetuity by the Landowner and the Department through the grant of a conservation easement to the Department with the landowner retaining fee title to the land and overall management of the land...”*
- *“...the Conservation Values of the land should be preserved and maintained by the continuation of land use patterns that do not significantly impair or interfere with the protection and preservation of these Conservation Values, in perpetuity. The land provides important opportunities for public recreational hunting, trapping, and wildlife watching.”*
- *“The Department recognizes that the land contains important wildlife habitat, including riparian areas, that is worthy of perpetual conservation and has contributed the funds necessary to acquire this Easement through its Habitat Montana Program and with deer and elk license auction dollars.”*

Conclusion

The proposed conservation easement will preserve ranch lands, and scenic open space. Staff will forward any comments that the Planning Board has to the grantee (Montana Fish, Wildlife, & Parks). The proposal is in general compliance with Cascade County's Growth Policy in that it preserves agricultural lands and scenic open space.

Attachment: Vicinity Map